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AUTHOR Halverson, Lowell K.; Garrow, Tom
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ABSTRACT

Approximately 40 percent of America's Indians live in urban environments; of these, about 12,000 live in Seattle, Washington. With no representation in local government, and lacking the power and cultural sophistication to make the political process work for them, many Indian emigres have developed an almost institutionalized distrust of and concommitant failure to utilize the political process, which compounded their alienation from urban society. The Indian Paraprofessional Services Program (IPS) was initiated in 1972 to interrupt this cycle. The first of its kind in the nation, the program trained Indian "ombudsmen" to act as buffers between urban Indians and the alien city environment. The role of the 5 paraprofessionals, mostly from Washington tribes, was to assist Indians caught in criminal and civil legal processes and bureaucratic complications. The 3 month training program emphasized bodies of law and sociology pertinent to Indian clients, covering such things as consumer law, welfare rights, criminal law, housing rights, and counselling skills. Because of increasing case loads and fee generating cases, lawyers who had indicated interest in Indian causes were invited to join the panel. A successful program, the most profound effect of IPS was upon the attitude of urban natives toward the legal process itself, showing that a dispossessed minority can, from among its own leadership, ease its people into their new urban life style while working within the established order. (KM)

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MEETING THE SOCIAL & LEGAL NEEDS OF URBAN INDIANS: AN EXPERIMENTAL PROGRAM

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Lowell K. Halverson
Attorney at Law
Halverson, Strong & Moen
1035 Dexter Horton Building
Seattle, Washington 98104

and

Tom Garrow
Indian Paraprofessional Services
Department of Sociology
Brigham Young University
Provo, Utah 84602

ED 094916

Indian migration to the cities has resulted in creation of one of the most pathetic sub-cultures of urban life. Lacking the sophistication to manipulate the alien white political process to their own advantage and meeting unresponsive or patronizing governmental agencies, many Indian emigre's developed an almost institutionalized distrust and concomitant failure to utilize the political process has compounded their alientation from urban society.

The Indian Paraprofessional Services Program was developed to interrupt this vicious cycle by interposing Indian "ombudsmen" between the urban Indian and institutions charged with serving them. Their mandate was to assist Indian people in circumventing the blockages of social and legal services which were their due. Once trained in a specially developed curriculum the paraprofessionals undertook many traditional lawyering functions such as legal research, negotiations, interviewing and even some advocacy. They also performed social worker functions such as marital counselling, making referrals to alcohol treatment programs and the like.

The greatest impact of the IPS experiment was upon the urban natives' attitude toward the legal process. For the first time, these forgotten people were able to witness skilled Indian advocates using tools of the established order for the benefit of the urban Indians instead of against them.

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Lowell K. Halverson
Attorney at Law
Halverson, Strong & Moen
1035 Dexter Horton Building
Seattle, Washington 98104

Tom Garrow
Indian Paraprofessional Services
Department of Sociology
Brigham Young University
Provo, Utah 84602

Introduction

Indian Paraprofessional Services opened its doors to the Seattle Urban Indian in mid-summer 1972. The program, under which five Indians were specially trained to provide referral and followup services to their urban native clientele, was funded by a research grant from the National Institute of Mental Health and administered by Brigham Young University. Under this program, the first of its kind in the nation, these specially trained "ombudsmen" acted as buffers between the Urban Indian and the alien city environment.

The five paraprofessionals, Indians mostly from Washington State Tribes, had themselves personally experienced the fears and frustrations of the rural Indian transplanted into an urban setting. Their role was to see, out and assist Indians caught up in the criminal and civil legal process, entangled in and confused by bureaucratic red tape or simply in need of emergency food and shelter.

The Dilemma of the Urban Indian -- A Personal View

When the Eisenhower administration in 1953 encouraged the relocation of the American Indian from the reservation to the cities, the government incidentally created one of the most pathetic and seemingly most hopeless minorities in its history. The Bureau of Indian Affairs' (BIA) relocation - termination policy with its one-way tickets away from the reservations, in effect transplanted Indian wardship responsibilities from the BIA to even less sensitive local and state governments. About 40% of America's Indians still live in urban environments. Of these, approximately 12,000 live in the Seattle area. Lost among Seattle's total population of over one-half million, it is not surprising that for years these people have been

almost totally neglected.

With no representation in local Seattle government, the Indians, until recently, lacked the power and cultural sophistication to make the political process work for them. The federal government had little interest in these people on the theory that wardship responsibilities ceased the moment the Indian crossed the reservation boundaries. Although the BIA offered token aid and job training, no attempt was made to find housing, jobs, schools, or anything that would help these new urban dwellers support themselves.

The social costs of the federal government's policy of cultural assimilation have been largely borne by the unwilling Indian emigre'. State and local government services such as welfare were also denied to him. These Indians of many tribes, (now "tribalized" into "the urban Indian") became marginal men belonging to neither the white nor Indian cultures and usually ignored by both.

An example of this cultural schizophrenia is found among the urban Indian's children. A first generation urban migrant unable to cope with the hostile city environment engages in white-denominated "anti-social" behavior such as drinking. The children are removed from the home by white juvenile court officers and naturally enough, placed in a more acceptable white foster home. Few efforts are made to cure the Indian drinking problem; rather, the focus is on assimilating the children into the caucasian environment. These second generation children of Indian emigre's grow up looking Indian but thinking white. The "Indianess" of these children's lives is being atomized and dissapated into the white atmosphere. In their case, the term "vanishing American" is hardly an empty phrase.

It is not surprising that the urban Indian has developed almost an institutionalized distrust of governmental agencies. His contacts with government services have been largely as a patronized victim. The juvenile court takes away his children or helps him "adjust" his behavior to white standards. The Department of Public Assistance seems determined to paper him to death with forms before denying him emergency food and shelter. The municipal court gives him 2 to 30 days in jail for public drunkenness while the next case (same charge but different colored skin) receives a small fine. The Department of Motor Vehicles lifts his license for being in an accident that was not his fault until he can provide evidence of insurability. The BIA informs him that while he can get his teeth fixed free at the local Public Health Hospital,

he will have to see the state public assistance office about emergency food and shelter. The promises of the "good life" made in conjunction with the Eisenhower relocation policy were not fulfilled in the streets of Seattle. As a result, the urban Indians had one more reason for distrusting government, any government.

The effect of this distrust has compounded the urban Indian's alienation from his urban environment in many ways. During a 1970 pilot study, the author discovered a number of urban natives faced with problems similar to those outlined above. They were ignorant of, or would not use, free government programs that could have helped them. Seattle Legal Services, Seattle Public Defenders, the Consumer Protection branch of the Attorney General's office, Lawyer Referral Services, all could have provided the assistance these people needed. Yet failure to use these services simply added to their already disproportionate record of arrest, conviction and financial exploitation.

Inception of IPS

The Indian Paraprofessional Services Program (IPS) was proposed in part as an attempt to interrupt this vicious cycle of distrust which resulted in under-utilization of existing services, thereby leading to further victimizing and coming full circle to increased distrust. The theory, in its simplest form, was to interpose trained paraprofessionals who themselves were Indian between the distrustful Indian client and the underutilized service agency.

A first assumption in structuring IPS was that traditional lawyering procedures would not apply. Most lawyers are not interested in servicing landless natives both because of the economic sacrifices involved and their unfamiliarity with clients from an alien culture. Moreover, much time is consumed overcoming the Indian client's distrust of the establishment identity shared by most lawyers. Lastly, many of the problems presented by these people are not strictly "legal" but "social" in nature and therefore have less intrinsic interest to lawyers. Thus, use of properly trained and supervised lay persons in a paraprofessional capacity seemed the most economic and effective solution.

The idea of training and employing lay persons as paraprofessionals was not without precedent. OEO Legal Services, a few colleges and three law schools presently conduct paralegal training programs in specialty areas. Some government agencies such as FTC and EEOC use law trained lay persons for investigation, research and

presentation of cases. Other agencies have for years permitted lay persons to act as advocates and judges in quasi judicial proceedings. In the past several years, the American Bar Association has devoted considerable attention to the development of a curriculum for legal assistant schools around the country.

The assumption that Indian paraprofessionals could usually better serve urban clients than lawyers could was borne out by IPS's experience. For example, interviewing of clients, a critical step in the legal process where impressions are made, issues framed and case strategy begun, requires tremendous sensitivity to both the clients' apparent wishes and actual needs. Usually and with infinite care, Indian paraprofessionals could elicit information which would take an attorney perhaps weeks to discover. Even in advocacy situations, such as administrative hearings, IPS staff, unencumbered by detached law school logic, could make emphatic winning points by ethos alone.

IPS Training Program

Immediately after the five candidates were selected, intensive 14 hour day work-training sessions began. The training program, lasting three months, was designed to impart general legal knowledge with emphasis on bodies of law and sociology pertinent to Indian clients. Each day began at 7:30 A.M. with attendance at a traditional business law course at the University of Washington. This course was followed by specialty law seminars interspersed with presentations by public organizations likely to become involved with the prospective Indian clients.

Law seminars covered such diverse topics as consumer law, welfare rights, criminal law (pre- and post-trial proceedings), housing rights, landlord/tenant relations, interviewing and investigation techniques, sentencing report writing, domestic relations, etc. Later, the paraprofessionals attended an evening course at Edmonds Community College studying an experimental Legal Assistant curriculum approved by the A.B.A.

Special focus was made on the structure and function of local government, emphasizing the ways community decision-making could alter the approach governmental agencies took toward Indians. The paraprofessionals were also enrolled in a law school-sponsored course on the historical development of Indian law.

Another important element in the paraprofessional's formal training was provided by sociologists who imparted knowledge and skills required for personal counselling of Indian clients. This included basic counselling skills as well as social and psychological information concerning several types of personal problems, including marital conflict, family conflict, alcohol problems, emotional despondency, etc.

Even as the formal training program got underway, the paraprofessionals were thrust into the melieu of making substantial decisions on behalf of clients whose problems could not await the program's timetable. At first awkwardly and then with maturing professionalism, the staff dealt with a mounting number of client crises such as driver's license suspensions, bail hearings, public assistance rejections, etc. Ultimately, the paraprofessionals were analyzing and resolving client problems at the same judgemental level as a lawyer or social case worker, deferring to the staff attorney only as required by the program's guidelines.

Their functions, however, exceeded the traditional roles of both lawyer and social worker; rather they were a bit of both and better for the combination. The effectiveness of this merger of functions is best seen by an example from IPS case histories. Walking Stick, a newly arrived urban dweller, called IPS informing them of his arrest for Grand Larceny (auto theft). An IPS staff member was immediately sent to the local jail where he interviewed the new client, advised him of his rights and told him what procedural steps lay ahead in the judicial process. Then a personal recognizance release was arranged (in this instance, to the custody of the paraprofessional). Upon release pending arraignment or trial, temporary food and shelter were provided by walking the client through the public assistance programs, which is a mysterious labyrinth to almost all lawyers. At this post-crisis stage, follow-up was limited to ensuring that a defense counsel was appointed, trial preparation was underway, etc. Finally, upon a plea, IPS staff appeared in court and offered a sentencing program oriented toward rehabilitation which the sentencing judge concluded was a reasonable alternative to mere warehousing of the prisoner.

The above illustrates but a few of the traditional lawyer functions assumed by IPS staff. They also drafted legal documents, did limited legal research, negotiated with government agencies, handled all initial interviewing and screening of clients and occasionally represented clients at administrative hearings. In fact, the extent of their authority was limited only by the ABA's Code of

Professional Responsibility. This code, broadly construed, permits lay persons to do almost anything a lawyer can do provided the work is supervised by an attorney responsible for the end product.

Guidelines were developed consistent with the ABA Code which ensured adequate staff attorney supervision. Paraprofessionals were instructed not to render legal advice without prior attorney consultation. Daily time logs and client in-take forms and detailed case records sheets were developed to promote easy attorney supervision. Weekly review sessions were held and paraprofessionals were encouraged to present problem cases for group evaluation and recommendations for resolution.

These review sessions proved invaluable. Besides giving the paraprofessionals an opportunity to test their newly acquired skills on actual cases, they were enabled to develop their own mental processes in the difficult technique of framing legal issues. Moreover, this constant interaction among the paraprofessionals and between them and the attorney pointed out philosophical biases in client problem solving that might have otherwise fractured the "united front" approach the organization presented to the various urban Indian community organizations.

Office administration was modeled as closely as possible after operations of a law firm especially in the area of record keeping. The detailed client information on these records was treated as strictly confidential. The intake sheets, minute books and case records were then analyzed by the staff director to determine patterns of problems confronted by clients with similar problems. Paragraph summaries of each client's problem and the manner of resolution were prepared in conjunction with the closure of each file to serve as models for similar future client problems. A dispatcher system was established so that paraprofessionals could be contacted day or night in the event of client emergencies. In addition to interfacing with Indian organizations as a means of developing new clients, the paraprofessionals also maintained weekly outreach routes through areas where Urban Indians were known to be concentrated. These included the Skid Road section, the First Avenue Service Center, and in the inner core of the city generally.

IPS staff were encouraged to acquire a high level of visibility within the urban native community as a means of attracting clients. This led to involvement in a number of Indian organizations some of which were at odd purposes with each other. IPS discovered that urban Indians appeared united in their "Indianess", their ability to confront and manipulate the legal/political process was diffused by

rivalries that have few parallels in white society. Urban Indians are not a "tribe" but a polyethnic urban sub-culture. They are divided by clan, band, tribe, geographic origins, quantum of blood, color hue, length of hair and degree of racial consciousness. Although these distinctions seldom result in conscious articulation, tensions exist within the Seattle Indian community that are acted out in terms of competition for funding, power plays in organizations, etc.

These rivalries often required IPS staff to walk a tight rope requiring great diplomacy and sensitivity to the politics of the community they served. Power struggles within an Indian organization often resulted in both contestants asking IPS to side with them. The involved staff member usually resolved this compromising situation by stating that as "ombudsmen" they had to be governed by a passive role of impartiality. Inter-organizational rivalries posed an even great problem since IPS depended on organizational support for client referrals. Sometimes, and especially where IPS staff members sat on rival boards, IPS informally arbitrated these disputes or at least reopened lines of communication. The weekly case review presentations were occasionally transformed into arbitration proceedings as IPS staff debated the merits of rival organizations' causes.

Although encouraged to involve themselves in Indian action programs, the paraprofessionals were expected to perform in a law abiding manner and to avoid arrest. During the takeover of local BIA offices in Seattle, and at a time when the Washington, D.C. office of BIA was ransacked and looted, IPS personnel were on hand to help ensure that the local demonstration was done peacably and without arrests. IPS paraprofessionals also attended "fish-ins" where arrests were made. They both avoided arrest themselves and were on hand to provide immediate legal assistance and referrals to those arrested. In both instances, the presence of IPS personnel at these confrontations served to legitimize the program with more radical elements of the Indian community while not taking away from the program's image of working within the legal system.

Development of Lawyer Referral Service

As case loads increased, it became apparent that a panel of attorneys would be required to assist in resolving long term problems of some Indian clients. Moreover, fee generating cases were encountered whichrequired referral, since IPS's guidelines followed those of OEO legal services prohibiting acceptance of substantial fee cases such as

personal injuries, etc. Recognizing that these fee clients had come to IPS in part out of a need to find help from persons sympathetic to Indians, lawyers were invited to join the panel who had demonstrated their interest in Indian causes in the past. IPS developed a lawyer referral system modeled after the King County Lawyer Referral Panel which required lawyers to indicate their area of interest or specialty and provide the first half hour of service free of charge. IPS referrals to the panel were made on a rotating basis within areas of specialty and interest. IPS staff followed up the referral and offered investigative and consultive service to the participating attorneys.

Development of Puget Sound Indian Law Society

Some issues unearthed by IPS staff such as the advertising of "Indian" crafts made by non-Indians, taxation of on-reservation income, etc. required more long term legal attention than could be provided by IPS. To meet these problems, and to provide a forum for discussing long term Indian legal needs, IPS organized a small group of attorneys which became the nucleus for the Puget Sound Indian Law Society (PSILS). This Society, which now numbers about 50 lawyers and laypersons, is incorporated under Washington law as a nonprofit corporation for the broad purpose of fostering and protecting Indian rights and resources. The Society has served primarily as a meeting ground for attorneys and Indian community leaders to discuss major legal and social issues confronting the Indian population.

One seminar dealt with state encroachment upon Indian rights through its taxing power and the legal strategies needed to combat this. Another program presented a recently discovered 1914 film about the Kwakiutl that led to discussion about preservation of Northwest Indian art forms. A state-wide conference on implementing favorable fishing right decisions is planned for the near future.

Governor's Urban Indian Task Force

In conjunction with an IPS mandate to involve itself in local Indian organizations, one paraprofessional attained membership and ultimately chairmanship of the governor's Urban Indian Task Force. The Task Force held hearings in various urban areas of the State of Washington where Indians had concentrated and solicited testimony which culminated in a book-sized report entitled "The People Speak: Are You Listening." Published by the governor's Indian Advisory Council, the report was presented to the Governor as a resource for possible legislation benefitting

Indian peoples in the State of Washington.

Conclusion

The qualitative success of the IPS concept is well documented elsewhere. Success, however, cannot be measured merely by the number of Indian clients served or substantive law results obtained. In this author's opinion, the most profound impact of IPS was upon the attitude of urban natives toward the legal process itself. For the first time, these forgotten peoples were able to witness skilled Indian advocates using tools of the established order to deal successfully with the mysteries of bureaucracy and courts, to ease the brutality of jailors and to expose the conniving of finance companies and used car dealers. The enduring lesson of IPS is that a dispossessed minority can, from among its own leadership, ease its people into their new urban life style while working within the established order.